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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,226	09/18/2003	Richard M. Ehrlich	PANA-01046USD	6281
23910	7590	04/12/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			FIGUEROA, NATALIA	
		ART UNIT	PAPER NUMBER	
			2651	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,226	EHRLICH, RICHARD M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Natalia Figueroa	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 09/18/2003.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 18 September 2003 (09/18/2003) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1-10, 11-20, 21-25 and 26-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18, 19-36, 37-42 and 43-48 of copending Application No. 10/665,264. Although the conflicting claims are not identical, they are not patentably distinct from each other because the obvious process of the apparatus is recited.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### *Claim Objections*

5. Claim 21 is objected to because of the following informalities: Claim 21, limitation (e) states “a starting PLL value”; examiner suggests the applicant to verify and make corrections if appropriate, the examiner suggests ACG instead of PLL. Appropriate correction is required.

6. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Please refer to the claim and verify. The limitation “the upper limit value and the lower limit value” lack antecedent basis with regards to claim 21.

#### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 7, 11-12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bliss (USPN 5,585975).

RE claim 1, Bliss discloses a method for improving servo demodulation robustness in a disk drive system having a read channel including a variable gain amplifier (VGA) (abstract, fig. 1, col. 7, lines 39-40 and col. 10, lines 34-36), the method comprising (a) producing an amplitude error signal by comparing a measured servo signal amplitude to a target amplitude (col. 4, lines 58-64 and col. 7, lines 54-55); (b) filtering the amplitude error signal to produce an automatic gain control (AGC) signal useful as feedback to the variable gain amplifier (VGA) of the read channel (col. 7, lines 62-65); and (c) limiting the AGC signal to keep it within a desired range, before providing the AGC signal as an input to the VGA (col. 9, lines 17-21).

RE claim 2, Bliss further discloses reading a servo wedge and producing a servo signal therefrom (abstract and col. 1, lines 43-46); and measuring an amplitude of the servo signal (col. 4, lines 52-64 and col. 7, lines 54-55)

RE claim 7, Bliss further discloses that step C includes limiting an output path of the digital filter to keep the servo AGC signal within the desired range (col. 9, lines 17-21).

RE claims 11-12 and 17, Bliss is relied upon for the same reasons of rejection as stated in the above rejections of claims 1-2 and 7. Claims 11-12 and 17 have limitations similar to those treated in the above rejections of claims 1-2 and 7, and are met by the references as discussed above. Claims 11-12 and 17 however also recites the following limitation, a phase locked loop including an oscillator. However, Bliss further discloses such on (col. 3, lines 40-49).

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss in view of Cloke et al (USPN 6,487,032), hereinafter Cloke.

RE claim 3, Bliss is relied upon for the same reasons of rejection as stated above. Bliss fails to explicitly teach that the disk drive system includes a plurality of heads, and wherein the desired range is dependent at least in part on which head is being used to read a servo wedge.

However, Cloke discloses such on (col. 5, lines 7-8 and 13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as disclosed by Bliss with the above teachings from Cloke therefore providing the and adjusting the frequency for each head, hence avoiding errors or loss of data.

RE claim 4, Cloke further discloses that the disk drive system includes a zone bit recorded disk including a plurality of zones, and wherein the desired range is dependent at least in part on which zone is being read (col. 11, lines 51-55, col. 11, line 63-col. 12, line 10).

RE claim 5, claim 5 has limitations similar to those treated in the above rejections of claims 3 and 4, and are by the references as discussed above.

RE claims 13-15, the combination of Bliss and Cloke is relied upon for the same reasons of rejection as stated in the above rejections of claims 3-5. Claims 13-15 have limitations similar to those treated in the above rejections of claims 3-5, and are met by the references as

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discussed above. Claims 13-15 however also recites the following limitation, a phase locked loop. However, Bliss further discloses such on (col. 3, lines 40-49).

*Allowable Subject Matter*

11. Claims 6, 8-10, 16, 18-20, 21-25 and 26-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that claims 6, 8-10, 16, 18-20, 22-25 and 27-30 are also rejected under a provisional nonstatutory obviousness-type double patenting rejection and must overcome this rejection as well.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents are cited to further show the state of the art with respect to servo demodulation.

a) Abramovitch (Customizable Coherent Servo Demodulation for Disk Drives):

Discloses disk drive servo demodulators.

b) Hirano et al (USPN 6,504,663): Discloses gain control of an AGC amplifier.

c) Ellis (USPN 6,678,110): Discloses a servo demodulation method.

d) Bliss (USPN 5,966,258): Discloses a gain control loop.

e) Romano et al (USPN 5,477,103): Discloses servo system controller.

f) Sordello et al (USPN 4,188,646): Discloses a servo system.

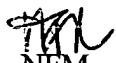
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (571) 272-7554.

The examiner can normally be reached on Monday - Thursday 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NFM

  
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